

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner filed a timely appeal, and (following delays by the Department in processing his appeal, and continuances requested by the petitioner) a fair hearing was held on February 5, 2009. At the hearing the petitioner did not dispute that since October 2008 the Department has correctly determined his gross income from employment. The

petitioner was informed that effective January 1, 2009, the income standards for Food Stamps had been significantly expanded, and he was advised to reapply.

ORDER

The Department's decision regarding the petitioner's eligibility for Food Stamps from October 1 through December 31, 2008 is affirmed.

REASONS

To qualify for the Food Stamp program, households must meet the income eligibility standards set out in Food Stamp Manual § 273.9(a). Prior to January 1, 2009, households that did not include a disabled or elderly member had to first meet the gross income test (130 percent of the federal poverty level), and then the net income test (100 percent of the federal poverty level). The gross income limit for a two-person household was \$1,517. Procedures Manual § 2590-C. Only if a household meets the gross income test will certain of the household's living expenses then be considered in calculating the household's net income. Food Stamp Manual 273.9. Inasmuch as the petitioner did not meet the gross income test, the regulations did not allow the Department to

proceed to calculate his net income in determining his eligibility.

Therefore, the Department's decision in October 2008 to deny Food Stamps based on petitioner's gross income must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D. As noted above, based on recent changes in the regulations, the petitioner should immediately reapply for Food Stamps, if he has not already done so.

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